1992; ***Lindemann Maschinenfabrik G<BH, v. American Hoist & Derrick Co.***, 730 F.2d 1452, 1458 (Fed. Cir. 1984). When subjected to scrutiny it is clear that Pistorius et al. fails to meet this standard.

The Examiner's attention is now respectfully drawn to the following recitations of applicant's sole independent Claim 1:

> "(B) a carrier platform element slidingly and lockingly mounted to said fence, said carrier platform element having a portion extending substantially forwardly of said fence;
> (C) an elongate bar pointer adjustably securable to said forward portion of said carrier platform element at an acute rearward angle with respect to said fence, said elongate bar pointer having a notched free end whose notch angle is adapted to engage the miter cut end of a work piece supported on said table;".

Pistorius et al. does not disclose, either expressly or by reason of inherency, either of these essential claimed elements of applicant's invention. While the Examiner has not identified what he considers the anticipating elements of the reference, the element of Pistorius et al. which appears closest to applicant's recited "carrier platform element" is the movable support and stop body 21. Reference to the Pistorius et al. drawings and relevant text reveals that this body 21 is totally devoid of any structure which can be fairly interpreted as a "portion extending substantially forwardly of said fence" as is expressly required by applicant's Claim 1. The element of the Pistorius et al. reference which appears

closest to applicant's recited "elongate bar pointer" is the width sensor tongue 43 which: (a) is not securable to the body 21, let alone to a non-existant forward portion thereof; (b) which extends forwardly, not rearwardly of the fence 12, and (c) whose free end is neither shown nor described as being notched, all of which features are essentials of applicant's claimed invention. Clearly, therefore, Pistorius et al, does not anticipate applicant's independent Claim 1.

With respect to applicant's dependent Claims 2-7 it can first be said that, since independent Claim 1 has been shown to be free of anticipation by Pistorius et al., all claims dependent thereon are also free of such alleged anticipation. Beyond that, however, the applied reference most assuredly does not disclose a bar pointer element angled rearwardly towards the fence at an angle of about 45° (Claim 2); does not disclose a system wherein the electrical condition sensed is capacitance (Claim 5); does not disclose a system wherein the angle of cut of the miter saw is preselected and the elongate bar pointer is secured to the carrier platform element at said preselected angle (Claim 6); and does not disclose a system wherein said preselected angle is 45° (Claim 7).

Salazar, cited of interest, has been carefully studied and is not viewed at providing anything of further anticipatory or contemplative value relative to the

presently claimed invention. This reference discloses a relatively typical table saw miter gage comprising an elongate bar adapted to slidingly engage a trough in the saw table, which trough parallels the plane of the saw blade. A protractor type fence is pivotally attached to the end of the elongate bar and is provided with sensor means to measure and display the angle formed between the plane of the fence and the longitudinal axis of the elongate bar element. It is noteworthy that this device measures only the angle of the miter to be cut by the saw and has nothing to do with measurement of the length of the mitered workpiece.

In view of the foregoing, therefore, it is applicants' firm conviction that the claims of this application define eminently patentable invention over the art of record. Accordingly, the Examiner's full reconsideration of this application with a view towards its allowance is respectfully requested. In the event that the Examiner concludes that a telephone interview would be helpful in expediting prosecution of this application he is invited to place a call to the number given below at any time of his convenience.

Pursuant to the Examiner's request, this Response is being transmitted by facsimile to (703) 872-9306, on November 1, 2004.